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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY LOCKET NO.
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08/139.113 10/21/93 MILNER

G EXAMINER 5.001F00

15N1/1208

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WASHINGTON, DC 20037

CHOI K
ART UNIT PAPER NUMBER

7

DATE MAILED: 1504

12/08/94

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 11/29/94 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-21 are pending in the application.
Of the above, claims 1-21 and 29-31 are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 22-28 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

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Applicant's election with traverse of Group III in Paper No. 6 is acknowledged. The traversal is on the ground(s) that (1) the Examiner has not presented sufficient arguments with respect to Intermediate/Final Product relationships of different inventions; and that (2) the inventions of (Groups I, II and III) and Group IV do not have different effects. This is not found persuasive for the following reasons:

(1) Applicants merely allege that the Examiner has not presented the sufficient arguments to show distinctness required under MPEP § 806.04(b), third paragraph. The Examiner disagrees. Applicants are directed to pages 2-3 of the previous Office action. The Examiner clearly set forth how the intermediate product is useful other than to make the final product.

(2) Applicants argue that the inventions of (Groups I, II and III) and Group IV do not have different effects because the specification discloses the surface resistivities for the fabric and container. Applicants should note that the claims do not recite any surface resistivities. Thus, the invention of Group IV which is drawn to a method of treating a surface has different effects from the inventions of Groups I-III.

The requirement is still deemed proper and is therefore made FINAL.

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Claims 22-28 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 22-28 depend on non-elected claims. Appropriate correction is required.

Claim 23 is rendered indefinite because non-elected claim 6 from which claim 23 depends is indefinite. Claim 6 recites "the uncoated side or said fabric body". It is suggested that applicants replace "or" with "of".

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

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Claims 22-28 are rejected under 35 U.S.C. § 103 as being unpatentable over Katz (U.S. 4,759,814) in view of Pappas (U.S. 5,071,699).

Katz teaches flexible bulk bags which may be comprised of fabric, paper, and plastic coating (col 1, ln 17-18 and 25; col 11, ln 1-7). The solid plastic coating is sometimes applied to the outer surface of the article (col 1, ln 36-42). The fabric layer is coated with a thin plastic film as a barrier against leakage (col 1, ln 18-22). Katz does not teach using a fabric comprised of axially oriented, crystalline polypropylene, nor adding an antistatic agent to the bulk bag.

Pappas teaches a fabric which is comprised of axially oriented, crystalline polypropylene compositions (col 7, ln 45-49). The fabric is coated with a thermoplastic material (col 7, ln 54-55). The fabric may contain 0 to 2% by weight of a polyol ester of a C₁₀ to C₂₈ monocarboxylic acid antistatic agent (col 7, ln 49-53). The thermoplastic coating layer may contain 0.2 to 8% by weight of the same antistatic agent (col 7, ln 57-60). He teaches this in the art of bulk bags for the purpose of providing a bulk bag which is strong and has anti-static properties (col see abstract).

It would have been obvious for the ordinary skilled artisan to have modified Katz' bulk bag by incorporating an axially oriented polypropylene fabric and an antistatic agent as taught

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by Pappas. One would have been motivated to do this for the purpose of providing a bulk bag which is strong and has anti-static properties.

With regard to claim 23 which depends on claim 6, Katz does not explicitly disclose that the paper material is laminated onto the uncoated side of the fabric. At best, the claimed invention differs from the prior art in the relative locations of layers comprising a bulk bag. It has been held by the Board that shifting of a known part to a different location does not patentably distinguish over the prior art. In re Japikse, 86 U.S.P.Q. 71, 73.

Any inquiry to this communication or earlier communications from the examiner should be directed to Kathleen Choi, whose telephone number is (703)308-2432. The examiner can normally be reached on Monday-Thursday from 7:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. George Lesmes, can be reached on (703)308-2362. The fax phone number for this Group is (703)305-3612.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-2351.



GEORGE F. LESMES
SUPERVISORY PATENT EXAMINER
GROUP 150